

# EXHIBIT

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Declaration of Peter C. Salerno  
In Support of Defendant Yassin Kadi's Motion  
To Exclude the Testimony of Victor Comras

03 MDL 1570

July 31, 2023

Page 1

1                   UNITED STATES DISTRICT COURT  
2                   SOUTHERN DISTRICT OF NEW YORK  
3                   Case No. 03-MDL-1570 (GBD) (SN)

4                   -----x

5                   IN RE: TERRORIST ATTACKS ON

6                   SEPTEMBER 11, 2001

7                   -----x

8                   REMOTE VIDEOTAPED DEPOSITION OF  
9                   VICTOR COMRAS

10                  Ft. Lauderdale, Florida

11                  July 23, 2021

12                  Reported By:

13                  ERIC J. FINZ

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2                   July 23, 2021

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4                   8:16 a.m.

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6                   Remote Videotaped Deposition of  
7                   VICTOR COMRAS, taken by Defendants,  
8                   pursuant to Notice, before ERIC J. FINZ,  
9                   a Shorthand Reporter and Notary Public  
10                  within and for the State of New York.

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15 ALSO PRESENT:  
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19 NOUR SOUBANI  
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22  
23 JODI FLOWERS  
24  
25 LINDA HOFFMAN, Jones Day  
DUANE MILNER, Veritext Concierge  
CRAIG JONES, Videographer

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1 VICTOR COMRAS

2 THE COURT REPORTER: Due to  
3 the need for this deposition to  
4 take place remotely because of the  
5 government's order for social  
6 distancing, the parties will  
7 stipulate that the court reporter  
8 may swear in the witness remotely  
9 and that the witness has verified  
10 that he is in fact Victor Comras.

11 THE WITNESS: Yes, I'm Victor  
12 Comras.

13 MR. MALONEY: Andrew Maloney  
14 from Kreindler & Kreindler for  
15 plaintiffs.

16 MR. SALERNO: Agreed.

17 VICTOR COMRAS,  
18 having been first duly sworn by the  
19 Notary Public (Eric J. Finz), was  
20 examined and testified as follows:

21 EXAMINATION BY

22 MR. SALERNO:

23 Q. Good morning, Mr. Comras. How  
24 are you today?

25 A. Good, thank you. How are you?

1 VICTOR COMRAS  
2 identification, document headed  
3 "Corrigendum.")  
4 BY MR. SALERNO:  
5 Q. Mr. Comras, I show you what  
6 has been marked as Exhibit 974, and ask  
7 if this is the corrigendum that you  
8 submitted to your main report sometime in  
9 July of 2021?

A. It appears to be, yes.

11 Q. And for the record, this  
12 corrigendum changes the last sentence on  
13 page 39 of your main report to state --

14 A. That's correct.

15 O. And let me finish.

16 And to state, please, that  
17 the -- let me start again.

18                           My understanding is, and I'm  
19                           going to ask you if this is correct, that  
20                           this changes the last sentence on page 39  
21                           to state that the total of bounced checks  
22                           referred to is \$1.7 million rather than  
23                           \$27 million. Is that correct?

O. And there are two additional

1 VICTOR COMRAS

2 Now, your list goes back to

3 September 20, 2002. Doesn't it?

4 A. I think it does, yes.

5 Q. How did you select what  
6 material to include in this list and what  
7 to exclude?

8 A. What I considered to be work  
9 that was relevant and important. I've  
10 written other things on the side that  
11 have nothing to do with this issue,  
12 particularly in the areas of  
13 nonproliferation.

14 Q. Thank you.

15 Mr. Comras, do you have any  
16 experience analyzing pre-9/11 financial  
17 transactions in Sudan?

18 A. I cannot say specifically  
19 Sudan. I do have experience in dealing  
20 with financial transfers from other  
21 countries. I may have come across  
22 something when I was in the Office of  
23 Sanctions Policy that dealt with Sudan.  
24 But that would test my memory.

25 Q. And do you have any experience

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1 VICTOR COMRAS

2 What experience do you have in  
3 forensic accounting? Would it be the  
4 same thing?

5 A. Pretty much so. Greatest  
6 experience is being the lead person on  
7 the Al Qaeda and Taliban Sanctions  
8 Committee Monitoring Group for financial  
9 sanctions. And then following that,  
10 having the same responsibility with  
11 respect to north Korea, from 2009-2010.  
12 In both of those times I was the man who  
13 led our group's efforts with respect to  
14 financial violations of sanctions.

15 Q. Thank you.

16 Changing the subject, sir.  
17 Did you read the entire transcript of  
18 Mr. Kadi's deposition in this case?

19 A. Yes.

20 Q. And did you read the --

21 A. Let me correct that. I read  
22 what was sent to me as volume 1. I  
23 assume that that was the whole  
24 transcript. I'm not sure if there was  
25 anything more. But I was provided what

VICTOR COMRAS

1                   was called volume 1 of his transcript.  
2                   It seemed to be complete.  
3  
4                 Q.        Thank you.  
5                   There was also an errata  
6                   sheet. Did you ever see an errata sheet  
7                   to that transcript?  
8  
9                 A.        I did not.  
10                Q.        Mr. Comras, prior to writing  
11                   your report in this case, did you have  
12                   any bias regarding defendant Yasin  
13                   Abdullah Kati?  
14                A.        I don't know how to quite  
15                   answer that question. I had some  
16                   knowledge of him. I don't think that  
17                   that led to any bias, no.  
18                Q.        So you don't think you had  
19                   bias, that's your answer?  
20                A.        I think that I understood that  
21                   he was a designated entity. And that  
22                   based upon the information available to  
23                   me in the Al Qaeda and sanctions  
24                   monitoring group, that there were reasons  
25                   for that designation. So to the extent  
                  that that may have influenced me. I don't

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1                   VICTOR COMRAS  
2       know how you want to express that. I  
3       would not call that bias, I would call it  
4       simply assessing the facts.

5       Q.     Did you write a post for the  
6       counterterrorism blog titled "It's time  
7       to put Yasin Al-Kadi out of business"?

8       A.     I did.

9                   MR. SALERNO: I would ask the  
10      court reporter to put up Exhibit  
11      008 -- I'm sorry, 006, excuse me.

12                  This is 976, correct, now?

13                  THE CONCIERGE: Yes, sir.

14                  MR. SALERNO: Can you put it  
15      up, please.

16                  (Deposition Exhibit 976 for  
17      identification, blog titled "It's  
18      time to put Yasin Al-Kadi out of  
19      business," production numbers KADI  
20      67861 through KADI 67862.)

21                  MR. SALERNO: We're waiting  
22      for the court reporter to put up  
23      the exhibit.

24                  THE CONCIERGE: My name is  
25      Duane, I'll be the concierge tech,

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1                   VICTOR COMRAS

2                   I'm actually putting the sticker on  
3                   it right at this moment. It's kind  
4                   of an odd document. I just don't  
5                   want to have anything blocked with  
6                   that sticker.

7                   I did get ahold of support and  
8                   we will have a videographer joining  
9                   us.

10                  THE VIDEOGRAPHER: I've  
11                  actually joined and started my  
12                  local recording. If you'd like  
13                  I'll begin the Zoom recording as  
14                  well.

15                  MR. HAEFELE: We would object  
16                  to the Zoom recording.

17                  THE VIDEOGRAPHER: Okay. I'll  
18                  just record local.

19                  MR. SALERNO: What's the  
20                  difference?

21                  MR. HAEFELE: Courts have  
22                  found Zoom recordings are not  
23                  something that are admissible.

24 BY MR. SALERNO:

25 Q.               I show you what has been

1                         VICTOR COMRAS

2                         marked as Exhibit 976, and ask if that is  
3                         a true copy of the blog post you wrote  
4                         titled "It's time to put Yasin Al Kadi  
5                         out of business."

6                         A.       I'm looking for the date.  
7                         Because I don't recall the exact wording  
8                         of the blog at that time. But it looks  
9                         like what would be my blog, yes.

10                        Q.       Well, I was going to ask.

11                        A.       Could you scroll it a little  
12                        bit so that I could see a little bit more  
13                        of the blog.

14                        If you have patience, I'll  
15                        read through it and recall -- refresh my  
16                        memory.

17                        Q.       I'm just going to ask you if  
18                        that's your blog. If you could look at  
19                        the end of the post, it's dated September  
20                        20, 2005.

21                        A.       Okay, September 20, 2005, yup.

22                        Q.       Okay. Is this the blog you  
23                        wrote?

24                        A.       It appears to be the blog I  
25                        wrote, yes.

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1                   VICTOR COMRAS

2                 Q.     Did you consider this post in  
3                 writing either your initial report or  
4                 your rebuttal report in this case?

5                 A.     To be honest, until this  
6                 moment I had completely forgotten it.

7                 Q.     So is that the reason that you  
8                 didn't list this article in your -- in a  
9                 list of sample list of recent  
10               publications?

11               A.     That's correct. I think it's  
12               very hard for me to get back the stuff on  
13               the counterterrorism blog since it was  
14               taken offline.

15               MR. HAEFELE: I'd also lodge  
16               an objection under Rule 26. I  
17               don't think he's required to list a  
18               2005 publication. But in any  
19               event, we have it.

20               MR. SALERNO: I'm just asking  
21               the question, Mr. Maloney.

22               MR. MALONEY: Well, no. You  
23               asked it in a way is that the  
24               reason you didn't list it. That's  
25               not fair. So I'm objecting to the

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1 VICTOR COMRAS

2 form of your question. There are  
3 certain requirements under Rule 26  
4 for disclosure. You know it and I  
5 know it. The way you phrase the  
6 question was not proper.

7 MR. SALERNO: Thank you,  
8 Mr. Maloney, I appreciate the  
9 clarification.

10 BY MR. SALERNO:

11 Q. The final sentence of this  
12 post, Mr. Comras, "When, if ever, will  
13 the UN sanctions put him, Mr. Kadi, out  
14 of business?" Is that correct?

15 A. I'm sorry. It says "he  
16 continues to run a number of these  
17 businesses from his offices in Jeddah.  
18 When, if ever, will the UN sanctions put  
19 him out of business?" Correct.

20 Q. And in that post, you also  
21 wrote, going back to the first page,  
22 please, the second full paragraph.

23 A. Can you scroll back to it,  
24 please.

25 MR. SALERNO: Court reporter,

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1 VICTOR COMRAS

2 are you there?

3 Q. Second full paragraph. Did  
4 you write that Muwafaq and its Blessed  
5 Relief charities were implicated directly  
6 in financing the 1998 U.S. Embassy  
7 bombings in Kenya and Tanzania?

8 A. Let me see. Financial  
9 supporters. He was the founder and key  
10 financial supporter of Muwafaq, that were  
11 implicated directly in financing.  
12 Despite designations by the U.S. Treasury  
13 Department.

14 Q. And to be clear, you were  
15 referring there to the Muwafaq Foundation  
16 with which Yasin Al Kadi was affiliated.  
17 Correct?

18 A. Correct.

19 Q. How was Muwafaq Foundation  
20 implicated in the embassy bombings in  
21 1998?

22 A. Through the financing route to  
23 those individuals and entities through  
24 the al Shamal Bank and Farmers Bank that  
25 reached Al Qaeda -- sorry, reached Al

1                   VICTOR COMRAS

2                   Qaeda membership which were directly  
3                   implicated. Has to do with the route of  
4                   financing at the time it believed to have  
5                   involved, as I expressed in my report as  
6                   well, financing directly from Muwafaq to  
7                   Al Qaeda in Sudan. And that, it was the  
8                   implication.

9                   Q.       So it's your testimony that  
10                  you had evidence that Mr. Kadi was  
11                  financing Al Qaeda?

12                  A.       To the extent that I express  
13                  it in the report, correct. Evidence  
14                  meaning what? I mean, was I there, no.  
15                  Did I see it, no.

16                  Q.       Beyond what you've just told  
17                  us, did you have any basis for the  
18                  statement that Muwafaq and its Blessed  
19                  Relief branch charities were implicated  
20                  directly in financing for the 1998 U.S.  
21                  Embassy bombings in Kenya and Tanzania?

22                  A.       The only reference is whatever  
23                  is in my report. I stand by the words in  
24                  my report. That's the extent of my  
25                  knowledge of this transaction.

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1 VICTOR COMRAS

2 Q. Thank you.

3 You note in this post in the  
4 first paragraph that the Albanian  
5 authorities had seized assets of Mr. Kadi  
6 owned in that country. Correct?

7 A. In Albania, yes, they had  
8 seized assets of Al Kadi.

9 Q. And the Albanians were  
10 conducting a criminal investigation of  
11 Mr. Kadi. Correct?

12 A. Correct.

13 Q. Do you know the outcome of  
14 that investigation?

15 A. It was dropped.

16 Q. So you were a contributing  
17 expert to the Counterterrorism Blog.  
18 Correct?

19 A. I was a contributor to the  
20 Counterterrorism Blog, correct.

21 Q. You didn't have any kind of a  
22 title that you would call contributing  
23 expert?

24 A. I did. I was a contributing  
25 expert. It says so on the blog. The

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1 VICTOR COMRAS

2 not cite any authority for that?

3 A. None that I can think of.

4 Q. Do you have any authority for  
5 that?

6 A. I apparently do, but I have to  
7 find it again. Obviously I don't try to  
8 use my words lightly. It's come to my  
9 attention that facts from the reading and  
10 research, it may have been a lacuna to  
11 not put in a footnote.

12 Q. But as you sit here today --

13 A. I think that there are other  
14 footnotes showing his involvement in  
15 those groups. Not sure that he may have  
16 referenced it also in his deposition  
17 testimony. Or statements to OFAC. I'll  
18 have to check that, sorry.

19 Q. So you can't tell us then what  
20 now, as you sit here today, what the  
21 nature of Mr. Kadi's alleged association  
22 with members of the Muslim Brotherhood  
23 was, can you, or can you?

24 A. I cannot go beyond what I  
25 stated in the report. That he was

1                   VICTOR COMRAS

2                 A.     It's broader than that.

3                 Q.     But --

4                 A.     Terrorism financing, you  
5     mentioned just transactions. It's  
6     broader than transactions itself. Well,  
7     financial transactions. The red flags of  
8     terrorism financing, in the broad sense.  
9     They were developed by different  
10    institutions for somewhat different  
11    purposes, mainly to alert financial  
12    institutions of possible transactions  
13    that involved terrorism. But also to  
14    inform other regulators and investigators  
15    of potential activities involving the  
16    financial support of terrorism.

17                Q.     Your report at the bottom of  
18    page 7 and continuing on page 8.

19                A.     7 and 8, yes.

20                Q.     That lists twelve red flags  
21    that you say, quote, must be considered  
22    in evaluating the likelihood of terrorism  
23    financing, close quote.

24                   Have I read that correctly?

25                A.     Yes, you have.

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1                         VICTOR COMRAS

2                         Q.       So you're not saying it's bad  
3                         behavior to be a Saudi citizen; are you?

4                         A.       I'm not saying it's a bad  
5                         behavior. I'm saying it's a red flag  
6                         along with other red flags that you use  
7                         to evaluate risks. These are risk  
8                         factors. It says red flag. They are  
9                         risk factors. And you take these risk  
10                        factors and you look at transactions  
11                        using these risk factors to determine  
12                        whether something might have happened.  
13                        And you study the transaction to see if  
14                        it appears to be.

15                        It's not the risk factors that  
16                        determine that they are, it's the risk  
17                        factors that point to the transaction to  
18                        be studied.

19                        I hope that answers your  
20                        question.

21                        Q.       Yes, I think it does.

22                        MR. SALERNO: Could the court  
23                        reporter please mark and put up --  
24                        I think I'm skipping one here, yes.

25                        011, our internal tab 011.

1                   VICTOR COMRAS

2       So if it flows through him to somebody,  
3       he's not the issuer, but he's the  
4       handler.

5                   So the issue is, did he issue  
6       it or did he handle it. Did a check end  
7       up where it ended up. We don't know  
8       that. We don't know what checks he may  
9       have handled along the way. But there is  
10      reason to believe that he did. That's  
11      what I'm saying.

12       Q.     So how did Mr. Kadi -- I'm  
13      sorry. So you said in your opinion that  
14      Mr. Kadi, quote, used, unquote, bearer  
15      checks to mask questionable dealings.  
16      Correct?

17       A.     Yes.

18       Q.     So how did Mr. Kadi use bearer  
19      checks to mask questionable dealings?

20       A.     By passing them on. By being  
21      an intermediary in the handling of the  
22      check.

23                   (Reporter clarification.)

24       MR. MALONEY: I just objected,  
25       it was asked and answered.

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1                         VICTOR COMRAS

2                         A.       On April 23rd, the fund were  
3                         sent by Kadi to the Islamic Investment  
4                         Company of the Gulf.

5                         Q.       And in the sentence after that  
6                         you state, "the Islamic Investment  
7                         Company of the Gulf was the subject of  
8                         multiple investigations concerning  
9                         possibly links to terrorism."

10                        Have I read that correctly?

11                        A.       That's correct.

12                        Q.       When did these investigations  
13                         of IICG occur?

14                        A.       Let's take a look at 52.

15                        Footnote 52. Exhibit 21.

16                        Q.       I'm asking you when these  
17                         investigations concerning possible links  
18                         to terrorism that you assert exist of the  
19                         Islamic Investment Company of the Gulf,  
20                         that's not in Exhibit 21.

21                        A.       That's not in Exhibit 21,  
22                         okay.

23                        Well, there were  
24                         investigations, I'm not sure how they  
25                         finally came out. I think in the end

1                         VICTOR COMRAS

2                         there was an issue settled on tax  
3                         grounds. But I cannot recall offhand all  
4                         of the details about the investigations.

5                         But I know that they were  
6                         under investigation at that time, for  
7                         several things. How that investigation  
8                         resulted, I cannot tell you. I do know  
9                         that there was something, I'm thinking  
10                        from my memory now, there was something  
11                        in the end that ended up in a tax  
12                        violation. What was the extent of the  
13                        investigation for several reasons, I  
14                        don't know.

15                        Q.      It's your testimony that some  
16                        of these investigations were going on in  
17                        April of 1991; is that correct? You said  
18                        at that time.

19                        A.      That's right. The  
20                        investigation subject -- they were the  
21                        subject of multiple investigations at  
22                        that time.

23                        Q.      Concerning possible links to  
24                        terrorism?

25                        A.      I believe that's the case.

1                   VICTOR COMRAS

2                 Q.     But you can't cite us  
3                 specifics as to any as you sit here  
4                 today; can you?

5                 A.     Sitting here today I cannot,  
6                 although I do have some -- I don't come  
7                 up with things off the top of my head.  
8                 There must have been something -- some  
9                 source that I used to give me that  
10                impression, or that information.

11                Q.     Okay.

12                MR. SALERNO: Now I'm going to  
13                ask the court reporter or  
14                videographer to put up tab 012,  
15                which is indeed Exhibit 21 to the  
16                Kadi deposition.

17                THE WITNESS: You're back on  
18                the screen, by the way.

19                MR. SALERNO: Veritext, I'm  
20                not seeing my whole screen. I've  
21                got a postage stamp.

22                (Deposition Exhibit 981 for  
23                identification, document headed  
24                "Islamic Fiduciary {sic} Account,"  
25                with attachments, production

1 VICTOR COMRAS

2 numbers KADI 34026 through KADI  
3 57011.)

4 | BY MR. SALERNO:

5 Q. I'm going back to page 17 of  
6 your report, where you say, about eight,  
7 nine lines down, "This transaction was  
8 never appropriately explained."

9                   Have I read that correctly.

A. I believe you have, yes.

11      Never appropriately explained.

12 Q. And to whom was it supposed to  
13 be explained?

14           A.       To my satisfaction that it had  
15 another purpose. It should be --  
16 transactions should provide information  
17 today about who is the originator, who is  
18 the beneficiary, and sometimes about what  
19 the purpose is. You just don't do a  
20 transaction that's not explained.

Q. And it's your testimony that this requirement to explain it to your satisfaction existed in 1991, what we're talking about here?

25 A. No. It's not a requirement

1

VICTOR COMRAS

2

that it be done to my satisfaction. It  
is a factor, an indicator that for me, in  
formulating my opinion. I mean, I look  
at the situation, the situation is full  
of different issues and facts and  
environment and scenery. And I draw  
conclusions from what I see.

9

That's my expertise, is to  
take a look at something and see, oh,  
maybe this is this, maybe this is that,  
what do I think it is, what do I think it  
is enough to express an expert opinion  
about. And that's how I derive my  
opinions. They are educated, informative  
opinions based upon many factors taken  
together, nothing independent of its own  
stands as a foundation or as a structure  
that will hold up my opinion, but many  
factors together that leads to an  
opinion.

22

Q. You never asked -- you never  
asked Mr. Kadi to explain it; did you?

24

A. I never asked Mr. Kadi  
anything, no.

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1 VICTOR COMRAS

2 Q. Did anyone ever ask Mr. Kadi  
3 to explain it?

4 A. That I do not know.

5 MR. SALERNO: Would the  
6 videographer please put up tab 013,  
7 which is the Kadi deposition  
8 transcript. Which I believe would  
9 now be Exhibit 982, if I've  
10 correctly marked up my stuff.

11 (Deposition Exhibit 982 for  
12 identification, deposition  
13 transcript dated July 10, 2018.)

14 MR. SALERNO: Then could you  
15 also put up Exhibit 014 for  
16 completeness, it's not really  
17 applicable to this deposition, but  
18 for completeness, the errata sheet  
19 to the Kadi deposition transcript.  
20 And this is all asking Veritext to  
21 do that.

22 (Deposition Exhibit 983 for  
23 identification, errata sheet.)

24 THE CONCIERGE: The errata  
25 will be 0983.

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1 VICTOR COMRAS

2 Q. In the sentence on page 17 of  
3 your report, and immediately after the  
4 one we've been talking about, and so this  
5 will be about, I'm eyeballing it, nine or  
6 ten or eleven lines from the top of page  
7 17, you say, "Consequently, Osama bin  
8 Laden had been present in Jeddah during  
9 this time and had been restricted from  
10 transferring his funds out of Saudi  
11 Arabia, raising suspicions that this \$10  
12 million transfer may have been made on  
13 his behalf," close quote.

14 Have I read that correctly?

15 A. Yes.

16 Q. What did you mean by  
17 "consequently" in that sentence, by the  
18 way?

19 A. Concurrently, a little bit  
20 more than concurrently. It was just  
21 coincidentally. Whatever you want to  
22 read into it. I don't think, maybe the  
23 "consequently" was not the best use of a  
24 word, consequently.

25 Q. Okay. We understand that

## VICTOR COMRAS

you're talking more about you mean coincidentally really, don't you?

A. Probably. Enough to raise in my mind a suspicion, that's all. It may.

Q. Do you know anybody --

(Simultaneous crosstalk.)

Q. Do you know anybody else besides yourself who had these suspicions?

A. I do not.

Q. And what, if any, is the evidence to support these suspicions?

A. I do not provide any because I say may. I reached no particular conclusion other than it raised a question in my mind. It was suspicious to me. I am reflecting that in my opinion, that it was suspicious to me. Nothing more. That it may have been. I am not concluding that it did. I am not making any conclusions about that sentence. It's a very conditional sentence.

Q. Let's go on to the second

1                         VICTOR COMRAS

2                         A.       Correct.

3                         Q.       So it's still your opinion,  
4                         though, that the original source or  
5                         purpose of these funds was never fully  
6                         explained?

7                         A.       I'm sorry, I don't understand  
8                         your question.

9                         Q.       You have said that the source  
10                        and purpose or source or purpose of these  
11                        funds was never explained in your report.  
12                        Correct? My question is, is that still  
13                        your opinion after looking at --

14                        A.       I'd like to know the  
15                        explanation. Still, I don't understand.  
16                        All I know is that \$30 million was  
17                        transferred from NCB to Leemount,  
18                        Leemount invested the money. I don't  
19                        know what the purpose of the investment  
20                        was. That it now was the purpose of the  
21                        issuing of the 30 million, I don't know.  
22                        Was the 30 million originally provided  
23                        for this investment, I don't know.

24                        Q.       Okay. You conclude in the  
25                        first, this first full -- you conclude

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1                   VICTOR COMRAS

2       this first full paragraph at page 42 with  
3       the sentence, "This lack of accounting  
4       information concerning the origin,  
5       distribution and disbursement of these  
6       funds, raises serious red flags  
7       concerning the potential that some of  
8       these funds were siphoned off for  
9       terrorism or related illicit purposes,"  
10      close paren.

11                  A.     Let me go back to the  
12       beginning of the paragraph. Kadi again  
13       used his Leemount company to funnel money  
14       to Muwafaq for its projects. He got,  
15       according to the federal Swiss federal  
16       police, which is my source of information  
17       here --

18                  Q.     Okay, that's fine. Thank you.

19                  A.     Kadi made deposits.

20                  MR. MALONEY: Mr. Salerno, you  
21       got to let him finish.

22                  MR. SALERNO: I don't have to  
23       let him filibuster, Mr. Maloney.

24                  MR. MALONEY: That's not  
25       filibustering. You posed a

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1                   VICTOR COMRAS  
2                   question about explanation or lack  
3                   thereof. He's continuing to  
4                   answer.

5                   Continue, Mr. Comras.

6                   A. It seems to me that I am  
7                   reflecting the opinion of the Swiss  
8                   investigators.

9                   Q. By the way, the Swiss never  
10                  prosecuted, or never concluded any  
11                  prosecution of Mr. Kadi; did they?

12                  A. They never concluded any, no.

13                  Q. They investigated him for a  
14                  number of years and never charged him.  
15                  Correct?

16                  A. Never charged him, correct.

17                  Q. And you're aware that they  
18                  investigated him for a number of years.  
19                  Correct?

20                  A. Never have implicated him,  
21                  correct.

22                  Q. Never indicted him?

23                  A. Never indicted him.

24                  Q. Mr. Comras, you have not  
25                  traced any funds directly from Mr. Kadi

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1

VICTOR COMRAS

2

in line 1, of the second paragraph, "when  
referring to the assassination of Al  
Qaeda co-founder Abdullah Azzam, bin  
Laden stated, quote, we were all in one  
boat, as is known to you including our  
brother, Wael Julaidan, close quote.

8

You quoted the part about we  
were all in one boat, but you didn't say  
when referring to the assassination of Al  
Qaeda co-founder Abdullah Azzam; did you?

12

MR. MALONEY: Objection.

13

A. I did not. I did not quote  
that because that was not part of what I  
was trying to say. What I was trying to  
take, and I had found in several places,  
was the interview. That was not part of  
the interview of Mr. Bin Laden at the  
time.

20

Q. So even the Treasury  
Department is essentially saying in its  
press release that the boat bin Laden is  
referring to in that quote, contains  
himself, Julaidan and Abdullah Azzam. Is  
that a fair characterization of what the

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1                         VICTOR COMRAS

2                         Treasury Department saying?

3                         A.       I'm sorry, will you repeat  
4                         what you just said?

5                         Q.       Even the Treasury Department,  
6                         in the press release, the sentence we've  
7                         just read and any other part of this  
8                         release you wish to look at, is  
9                         essentially saying that the boat that bin  
10                        Laden is referring to contains himself,  
11                        Julaidan and Abdullah Azzam. Isn't that  
12                        a fair characterization of what the  
13                        Treasury Department is saying?

14                        A.       You can draw that conclusion.  
15                        Maybe I can too. But that's not what I  
16                        read for sure says what they're saying,  
17                        no.

18                        Q.       Do you know that Abdullah  
19                        Azzam was assassinated in 1989?

20                        A.       Yes.

21                        Q.       By the way, you know from this  
22                        very document that Wael Julaidan, was not  
23                        listed by OFAC until September 6, 2002.  
24                        Do you? Or don't you?

25                        A.       I do know that he was -- when

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1                         VICTOR COMRAS

2                         criteria."

3                         Have I read that correctly?

4                         A.       Correct.

5                         Q.       And am I correct that in your  
6                         footnote to that statement, you cite  
7                         Jonathan Benthall's "The Charitable  
8                         Crescent", page 124. Am I correct about  
9                         that?

10                        A.       Correct.

11                        Q.       And am I correct in your  
12                        footnote you go on to state that, quote,  
13                        "In 1996, as a journalist, Mr. Benthall  
14                        visited a displaced person camp serviced  
15                        by Muwafaq in Sudan."

16                        Have I read that correctly?

17                        A.       You have.

18                        Q.       Do you happen to have a copy  
19                        of "The Charitable Crescent" near you  
20                        today?

21                        A.       I do not.

22                        Q.       Do you possess it at all?

23                        A.       I'm sorry?

24                        Q.       Have you ever seen the entire  
25                        book, "The Charitable Crescent"?

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1                   VICTOR COMRAS

2                 A.     Yes, I purchased it on Amazon.

3                 MR. SALERNO: I would ask the  
4                 court reporter, please, to put up  
5                 tab 021. And mark it as 989, I  
6                 believe we're at.

7                   (Deposition Exhibit 989 for  
8                 identification, excerpt from "The  
9                 Charitable Crescent.")

10                MR. SALERNO: I think we have  
11                it up.

12 BY MR. SALERNO:

13                Q.     Do you accept that what I'm  
14                about to show you is from "The Charitable  
15                Crescent"?

16                A.     Okay. My cover is in color.

17                Q.     I didn't use a color scanner,  
18                I apologize.

19                   I want to direct your  
20                attention, and the court reporter's  
21                attention to page 124. These are  
22                excerpts. So 124 will be some number of  
23                pages into this excerpt, Exhibit 989.

24                A.     Okay.

25                Q.     You've seen this page before;

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1 VICTOR COMRAS

2 Q. Mr. Benthall. Okay. Fine.

3 MR. MALONEY: He has that in  
4 his report, Peter. I'm a little  
5 confused at really what you're  
6 asking. It's in his report.

7 MR. SALERNO: Andrew, in  
8 another context I would love your  
9 legal advice, but not this one.

10 MR. MALONEY: It's not legal  
11 advice. It's the form of your  
12 question that is confusing to  
13 everybody.

14 MR. SALERNO: Okay. If I  
15 heard a proper objection, that  
16 would be sufficient.

17 Q. In page 124 --

18 A. Going back to the main report?

19 Q. No.

20 A. Okay. In the document, got  
21 you. Sorry.

22 Q. It identifies, toward the end  
23 that first full paragraph, a total of 8  
24 humanitarian organizations servicing the  
25 camp the writer visits. Doesn't it?

1                         VICTOR COMRAS

2                 A.      Yes, it does.

3                 Q.      And one of them is the Sudan  
4                 Council of Churches; isn't it?

5                 A.      Yes.

6                 Q.      And the writer identifies only  
7                 three of those eight agencies as Islamic.  
8                 Isn't that correct?

9                 A.      I'm sorry, what are you  
10                saying?

11                Q.      I'm asking you if the writer  
12                identifies only three of these eight  
13                agencies as Islamic.

14                A.      Correct.

15                Q.      Thank you.

16                         Is there any reason you did  
17                 not mention these other agencies,  
18                 especially the nonIslamic ones, in the  
19                 paragraph of your rebuttal where you  
20                 discuss it, or anywhere in your report?

21                         MR. MALONEY: Objection.

22                A.      Because it was irrelevant to  
23                 the report. I'm sorry to talk about  
24                 relevance. But it had nothing to do with  
25                 what I was writing.

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1                   VICTOR COMRAS

2        said about investing in or dealing with  
3        generally, can you describe the business  
4        dealings in any more detail?

5        A.      Not much more, other than  
6        there was the involvement, his  
7        investments in these companies, financial  
8        transactions with these companies through  
9        his accounts in al Shamal Bank, through  
10       his companies, including Leemount, Rowad,  
11       it was one of the investments, he had  
12       worked together with Loxhall, was  
13       involved in the Rowad investigation.

14       Transactions, I'm sorry. Starts with --

15       Q.      May I interrupt you. Is it  
16       your testimony that Mr. Kadi and Muwafaq  
17       worked together with bin Laden in Rowad,  
18       R-o-w-a-d?

19       A.      They were invested in Rowad  
20       and that they also with Rowad sold sesame  
21       and other agricultural products, yes.  
22       Muwafaq was also a party to those  
23       activities and was to receive, as I  
24       understand it, percentage of the profits  
25       or of the revenues produced by the

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1                         VICTOR COMRAS

2                         activity.

3                         Q.       Also on page 55 you say that a  
4                         Kadi company engaged in, quote,  
5                         unmonitored business transactions with  
6                         Dan Fodio, or Dan Fodio. I know it's not  
7                         a first name.

8                         A.       Right. Sorry, what's your  
9                         question?

10                        Q.       What evidence do you have for  
11                        the proposition that any transactions  
12                        with Dan Fodio were unmonitored?

13                        A.       There was no monitoring of any  
14                        companies by the Sudanese government.  
15                        They had no auditing capabilities, they  
16                        had no reporting capabilities and no  
17                        regulatory capabilities. So all  
18                        transactions in a sense, especially with  
19                        the NIF companies, would not be subject  
20                        to any regulatory oversight.

21                        Q.       So am I correct from your  
22                        answer that no Kadi company in Sudan had  
23                        an obligation to be monitored. Is that  
24                        correct?

25                        MR. MALONEY: Objection.

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1                   VICTOR COMRAS

2                   Wadi al Aqiq?

3                   A.       Mr. Bin Laden. Mr. Bin Laden  
4                   was already on the designation list for  
5                   the United States since 1995. Even  
6                   before. He was engaged in terrorism  
7                   activities and identified as a promoter  
8                   of terrorism. He declared war on the  
9                   United States in 1992 or '93.

10                  Q.       He declared war on the United  
11                  States in 1992 or '93?

12                  A.       I think when he first did it.  
13                  In his first declaration. Let me check  
14                  my dates. It's at the front of my  
15                  report.

16                  I'm sorry, I spoke too soon.  
17                  1996 he declared war against the Americas  
18                  occupying the land of two holy places.

19                  Q.       Rowad was liquidated in 1996;  
20                  wasn't it?

21                  A.       I'm sorry?

22                  Q.       Rowad was liquidated in 1996;  
23                  wasn't it?

24                  A.       Yes, I take that as a point.

25                  Q.       And the relationship between

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1                   VICTOR COMRAS  
2                   reporter to take it down. Now it's  
3                   down.

4                   MR. HAEFELE: Thank you.

5                   MR. SALERNO: You're welcome.

6                   Q. You also say on page 38 and 39  
7                   that Al Qaeda colleagues of Osama bin  
8                   Laden used al Shamal Bank. And I'm  
9                   asking, does that mean in your view that  
10                  anyone who had an account at that bank  
11                  was a member or a supporter of Al Qaeda?

12                  A. It is my view that Mr. Kadi  
13                  channelled funds into that bank, in  
14                  significant sums. That those sums were  
15                  subsequently used to buy products from Al  
16                  Qaeda-related companies, or bin  
17                  Laden-related companies, yes.

18                  Q. Do you know how many banks in  
19                  Sudan handled commercial transactions in  
20                  the early 1990s?

21                  A. Not many.

22                  Q. Do you know how many offered  
23                  Islamic investment products?

24                  A. At least two, maybe three.

25                  Q. Besides al Shamal, do you know

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1                   VICTOR COMRAS

2       those who had engaged in such activities  
3       from continuing such activities.

4       Q.        You're not expecting an actor  
5       in 1992 to know that someone is going to  
6       be listed eight years later; are you?

7                   MR. MALONEY: Objection.

8       A.        I'm sorry, I don't quite  
9       understand your question.

10      Q.        You're not expecting an actor  
11     in 1992, by actor I mean a person doing  
12     business in the circumstances we've been  
13     discussing, in 1992, to be aware that a  
14     person he is dealing with is going to be  
15     designated eight years later; are you?

16                   MR. MALONEY: Objection.

17      A.        No, I'm not. But the point is  
18     not that. The point is that I would know  
19     who I -- I would think that Mr. Kadi, as  
20     a wise businessman, would know with whom  
21     he's dealing and would know who they are  
22     involved in and what they are doing. And  
23     would have been aware of his  
24     relationships with these groups. And the  
25     fact that he was not yet designated for

1                         VICTOR COMRAS

2                         that should be irrelevant.

3                         Q.       Did you notice by any chance  
4                         that the Exhibit 994 that we are looking  
5                         at, we are looking at the Bates number  
6                         KADI 10793. Turn back if you would one  
7                         page, both the tech person and  
8                         Mr. Comras, to 10792.

9                         A.       I'm sorry, I didn't catch what  
10                        you said.

11                        Q.       I'm asking you to look at what  
12                        is Exhibit 994, which is a Swiss police  
13                        report.

14                        A.       Okay.

15                        Q.       We've been talking about. And  
16                        we've been on Bates number KADI 10793,  
17                        that we looked at. And now I'm asking  
18                        you to turn back to 10792, one page  
19                        previously.

20                        A.       I'm looking at it on the  
21                        screen.

22                        Q.       Okay. Do you notice where it  
23                        says, let's see if I can find this  
24                        myself -- did you notice that at the  
25                        bottom the regional director, Amir Mehdi,

1

VICTOR COMRAS

2

it says that he once lived in Jeddah, he

3

was a lecturer at King Abdul Aziz

4

University -- I'm sorry, it was his

5

brother, who recommended Amir to Kadi.

6

Amir Mehdi had excellent local knowledge

7

because he had worked as a teacher in

8

Peshawar and Islamabad, that was why he

9

was appointed by Mr. Kadi.

10

11

Did you notice that when you  
were writing your report?

12

13

A. I noticed that when I was  
writing my report, yes, I did. But I'm  
not sure what inference you take from  
that. I take that he was recommended,  
and based upon a recommendation he  
accepted to hire Amir Mehdi. Either he  
was a fool and didn't know about who he  
was hiring, or he knew who he was hiring  
and didn't care.

21

22

23

24

Q. And you're assuming that who  
he was hiring is in fact guilty of the  
things that the various regulators eight  
years later accused him of doing.

25

Correct?

1                   VICTOR COMRAS

2                   A.       No, he was accused by the  
3                   Pakistani government very shortly  
4                   afterwards. He was arrested, he was  
5                   engaged in a relationship with the  
6                   bombers in 1993 of the Twin Towers. And  
7                   he was fired by Kadi right about that  
8                   time.

9                   Q.       He was arrested. Do you know  
10                  if he was tried and convicted or pled  
11                  guilty to any crime?

12                  A.       He was not tried and  
13                  convicted. But that does not mean that  
14                  he was vindicated. The police did find  
15                  that he had a relationship through a  
16                  telephone conversation and others in his  
17                  books. So he was engaged, the Pakistani  
18                  government knew who he was, yes.

19                  Q.       Did the Pakistani government  
20                  find Mr. Mehdi's phone book before or  
21                  after they arrested him, do you know?

22                  A.       They found it when they  
23                  arrested him.

24                  Q.       And do you have any reason  
25                  to -- do you have any evidence that

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1 VICTOR COMRAS

2 Mr. Kadi knew that Mr. Mehdi had a  
3 suspicious person's name in his phone  
4 book?

5 A. I think that Mr. Kadi should  
6 know who he's appointing as director of  
7 his various companies, because he was not  
8 only -- he was more than just the head of  
9 the local Muwafaq director. He served  
10 Mr. Kadi in several capacities. And  
11 certainly Kadi placed a number of trusts  
12 in this man. Should have known, if he  
13 didn't know, then he's just a lousy  
14 businessman. And I don't think he's a  
15 lousy businessman.

16 You can't be an idiot and a  
17 smart person at the same time. You have  
18 to know who you're dealing with.

19 Q. Do you have any information  
20 other than what is in your report about  
21 Mr. Mehdi's alleged relationship with  
22 Amir Mehdi Yousef, who is the person that  
23 was in his phone book, apparently?

24 A. You're asking me, I'm sorry,  
25 you're asking me if there is other

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1                   VICTOR COMRAS

2                   notes.

3                   Q.       In deciding to list someone as  
4                   a founder of -- funder, excuse me, of  
5                   terrorism, the U.S. Security Council  
6                   Sanctions Committee doesn't conduct its  
7                   own investigation; does it?

8                   A.       No, it does not.

9                   Q.       It relies on information from  
10                  the member country that advocated for its  
11                  listing. Correct?

12                  A.       Yes. It relies on information  
13                  obtained from the governments, members.

14                  Q.       Changing the subject.

15                  When did it become known that  
16                  Chafiq Ayadi was allegedly a financial  
17                  facilitator, donor or supporter of other  
18                  gentleman Kadi group?

19                  A.       Say the first name again.

20                  Q.       Chafiq. C-h-a-f-i-q.

21                  A.       We're talking about Ayadi now.

22                  Okay. I'm sorry.

23                  Q.       When did it become known that  
24                  Ayadi was allegedly a financial  
25                  facilitator, donor or supporter of Al

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2 Qaeda or other jihadi group?

3 A. Sufficiently, before October  
4 12, 2001, to provide enough information  
5 to allow for his designation on that  
6 date.

7 Q. What was the information?

8 A. I'm sorry, the information  
9 is -- that's public is involved -- is  
10 provided in the statement at the time.

11 Q. What statement at the time?

12 A. By Treasury Department, in  
13 listing him.

14 Designation is a long process.  
15 It requires interagency clearance, it  
16 requires a basis -- a demonstration that  
17 it is not being made on a capricious  
18 basis, that it's a reasonable activity,  
19 reasonable grounds to believe. And there  
20 are many sources that lead to that,  
21 including, as Mr. Suez (phon) stated, who  
22 was a subsequent director of OFAC,  
23 intelligence sources. So there are many  
24 sources that lead to the belief and the  
25 understanding that Mr. Ayadi was involved

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2       in terrorist financing.

3                   Q.     And so you're just assuming  
4       that Mr. Kadi had all this knowledge that  
5       is reported with the listing after 9/11.  
6       Am I correct?

7                   A.     I am assuming that if it was  
8       found out by intelligence sources it  
9       should have been obvious to Mr. Kadi, who  
10      is a businessman dealing so intimately  
11      with Mr. Ayadi, along with certain  
12      others. He must have known who he's  
13      dealing with. He better than anybody  
14      else.

15                  Q.     You're assuming, aren't you,  
16       that all intelligence information is  
17       accurate?

18                  A.     I'm assuming that it is  
19       information that is credible. Accurate  
20       is a different issue. I think there was  
21       sufficient credible information  
22       surrounding Mr. Ayadi to convince OFAC in  
23       an intergovernmental process involving  
24       much more than confidential information,  
25       that Mr. Ayadi was involved in terrorist

# VICTOR COMRAS

Q. And I asked you what a whole series meant. And what are the red flags?

A. Well, I go to my own list of red flags. And --

MR. MALONEY: Can I just ask for clarification, Peter. What are the red flags in general or what are the red flags in this case for Mr. Comras?

MR. SALERNO: What are the red flags that Mr. Comras is referring to in the sentence that I just read, in the KA Stan transactions.

**MR. MALONEY:** Okay.

A. Let me summarize by saying lack of any clear indication as to what was involved, what wasn't involved, and what happened to the funds.

Q. And by your reference --

A. Parties that were -- that meet several of the criteria, that is funds coming from a high risk area to people in an area that are questionable. So there

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2                         are many red flags. There are a list of  
3                         red flags that can be put together, and I  
4                         would be glad to do so subsequently if  
5                         you want to give me the time, is  
6                         considerable. Because the list of red  
7                         flags is considerably longer than the  
8                         list that I have provided.

9                         Q.      Well, can you tell me, in this  
10                        sentence about KA Stan specifically that  
11                        we are referring to, using FATF terms,  
12                        can you tell me which red flags are risk  
13                        indicators and which are terrorist abuse  
14                        indicators?

15                        A.      That's a definition that's  
16                        created subsequently by OFAC -- sorry, by  
17                        FATF. FATF began creating the issue, or  
18                        the resource of red flags starting in  
19                        2002. The earliest reports -- in fact, I  
20                        have a list from 2004 that I can cite to  
21                        you.

22                        Q.      Mr. Comras, please just stop  
23                        for a moment. I'm asking you  
24                        specifically --

25                        A.      I am going to -- you're asking

1                         VICTOR COMRAS

2                         me for red flags. And I'm going to give  
3                         you the list of red flags.

4                         Q.       I didn't ask -- that was the  
5                         last question.

6                         A.       All right. You're asking me  
7                         to divide them between terrorist abuse  
8                         indicators and risk indicator. I'm  
9                         sorry, that may be an exercise for  
10                        others. That's not one of the exercises  
11                        that I went through.

12                        Q.       Do you accept or you do not  
13                        accept the FATF's distinction between  
14                        risk indicators and terrorist abuse  
15                        indicators; do you?

16                        A.       I do accept it. It's not  
17                        something that I used, that's all, in  
18                        preparing my report. I did not divide  
19                        out the two.

20                        Q.       Okay.

21                        A.       In my view, the accumulation  
22                        of information creates enough risk  
23                        indicators to do more than be just a  
24                        terrorist abuse indicator. I've taken a  
25                        somewhat different approach in the use of

1                         VICTOR COMRAS

2                         by "a steady series of losses"?

3                         A.       I mean only what was stated by  
4                         Mr. Kadi himself in his deposition  
5                         testimony. And in his memo to OFAC.  
6                         These are factors that he indicated, and  
7                         I'm simply repeating them there. That  
8                         they had steady losses and that in the  
9                         end he had to close the company in 1998.

10                        Q.       Do you mean that Euro-invest  
11                        never had a profitable year?

12                        A.       They may have had a profitable  
13                        year. They certainly used their money  
14                        to -- as indicated, to provide funds for  
15                        Muwafaq and other purposes. They were  
16                        very profitable years in the  
17                        construction. These companies, if run  
18                        correctly, it should have made a  
19                        significant profit. They were  
20                        investments made by Kadi because he felt  
21                        that there was great opportunities in  
22                        Albania and in the Balkans to make great  
23                        profits.

24                        And in fact, he ran these  
25                        companies in a way that took whatever

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2         funds that they made, he gave them away  
3         in loans, in other activities. He sold  
4         things he says on credit, and never got  
5         paid for them. But not quite justified  
6         by the activities of the company and by  
7         they're simply statements to explain why  
8         there were losses.

9                   But most of this is taken from  
10        his own testimony.

11        Q.       Moving on. At the top of page  
12        33 of your report, you refer to some --

13        A.       Sorry, let me get to 33,  
14        please.

15                   Okay.

16        Q.       You refer to some loans made  
17        by Euro-invest and conclude that, quote,  
18        "the rationale for these transactions is  
19        never presented." I'm looking at lines 3  
20        and 4. Correct?

21        A.       The rationale for these  
22        transactions is never presented. That's  
23        correct.

24        Q.       And this includes a \$6,200  
25        personal loan to Julaidan. Correct?

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2 A. Correct.

3 Q. I'll ask you a question that  
4 may be familiar to you now. To whom  
5 should a rationale have been presented?

6 A. It was a company, to its  
7 records, to facilities that can kept -- a  
8 company should do its own accounting,  
9 shouldn't it not? They should be  
10 explained. Their activities should be  
11 explained. If they go unexplained, they  
12 raise questions. If they raise  
13 questions, they create risks. If they  
14 create risks, they are vulnerable. If  
15 they are vulnerable in an atmosphere  
16 where a vulnerability can be taken  
17 advantage of, their money is lost.

18 So to whom should it be  
19 explained? To their own accountants, to  
20 their own accounting facility. Should  
21 they have accounting, yes. And what  
22 company should not know what it's doing,  
23 where its money is going, what's  
24 happening. But there is no record of any  
25 of that in these cases.

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2                         Q.      Well, have you seen all the  
3                         financial records of the Kadi companies  
4                         we've been discussing?

5                         A.      I've seen enough to know that  
6                         there are blanks. And the companies  
7                         where there were some recordings of  
8                         accounting, such as in Pakistan, the  
9                         accountants had to rely on information  
10                        that was simply relying on the statements  
11                        of the managers or the directors.

12                        Q.      Well, your knowledge of what  
13                        you allege here is based entirely on your  
14                        assumption that documents that you have  
15                        not seen support the proposition that  
16                        they're still unexplained. Am I not  
17                        correct about that?

18                        MR. MALONEY: Objection.

19                        Q.      You can answer.

20                        A.      Listen, they are unexplained  
21                        as far as I could tell. If there is  
22                        explanation, I certainly hope it will be  
23                        presented. That's not my job. My job is  
24                        to take a look at what I know is to be  
25                        the situation. And what I know to be the

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1                           VICTOR COMRAS  
2 situation is that these are unexplained.  
3 If there is an explanation, please  
4 provide it. That's your job, not mine.

5 Q. On page 50 of your main  
6 report. I will pause for you to get  
7 there.

8 A. Thank you. Okay.

9 Q. You discuss the el-Eman, e-l,  
10 new word, E-m-a-n, dormitory project for  
11 which Kadi arranged Julaidan to arrange  
12 construction. Correct?

13 A. Correct.

14 Q. And you conclude that  
15 between -- and this is a quote, between  
16 926,000 and 1.28 million of the  
17 Kadi/Karavan, Karavan with a K, provided  
18 funding for this transaction remained  
19 unaccounted for and was likely skimmed  
20 off for our purposes including Al Qaeda,  
21 close quote.

22 Did I read that correctly?

23 A. You did.

24 Q. And then if you could turn to  
25 page 33 of your main report.

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1                   VICTOR COMRAS

2                 A.     Sorry, which page?

3                 Q.     33. 3-3.

4                 A.     Got it.

5                 Q.     Second full paragraph. This  
6     is not a run-over paragraph, so it's also  
7     the second paragraph.

8                 A.     Okay.

9                 Q.     And the last sentence of that  
10  paragraph is, "These suspicions were  
11  exacerbated by a subsequent accounting  
12  indicating that up to 300,000 of these  
13  funds remain unaccounted for." Second to  
14  last sentence.

15                A.     Okay and?

16                Q.     You say "more about this Maram  
17  project below."

18                   Do you not see a discrepancy  
19  between 300,926 to 1.28 million?

20                A.     I think you're comparing  
21  apples and oranges. I'm saying that a  
22  certain amount of money unaccounted for  
23  in a sense that we don't -- skimmed off,  
24  what happened to it. It did not  
25  logically or clearly go for the projects

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1                           VICTOR COMRAS  
2 concerned. The 300,000 comes from a  
3 report that was done, I think, by the  
4 Swiss or the Germans, I'm not sure. The  
5 Swiss police, I think. That they said  
6 that 300,000 in the accounting was  
7 unaccountable.

8                           Money, again, is fungible.  
9 You can find a purpose for the funds.  
10 But the funds' purpose may be somewhat  
11 off of the project that you're talking  
12 about. May have even been replaced by  
13 other funds. May involve other  
14 transactions.

15                           So when I looked at it, it  
16 seemed to me that there was a real risk  
17 or great amount of this money could have  
18 been skimmed off.

19                           Other sources also paid for  
20 some of the projects that were ordered by  
21 those involved, by Julaidan and others.

22                           So I don't see a discrepancy  
23 between the figures, no. I just see that  
24 they're involving two different  
25 accountings by two different groups for

1                   VICTOR COMRAS

2       two different purposes.

3                   Q.       You used the phrase  
4       "unaccounted for" in reference to both  
5       sets of figures. Correct?

6                   A.       Correct. Unaccounted for for  
7       me may mean a different thing than  
8       unaccounted for for the Swiss police.  
9       And I was simply referring to the Swiss  
10      police. I think it was the Swiss police  
11      report.

12                  Q.       And you're sticking with the  
13      926,000 to \$1.28 million range as funds  
14      that were never accounted for that you  
15      claim may have been skimmed off?

16                  A.       I said that were inefficiently  
17      or insufficiently accounted for. And may  
18      have been skimmed off, would be a more  
19      correct perhaps statement.

20                  Q.       How did you calculate those  
21      figures, by the way?

22                  A.       I calculated them at the time  
23      I created the report. I would spend some  
24      time recreating that calculation. And I  
25      don't think we have that within the hour

1                         VICTOR COMRAS

2                         that's left.

3                         Q.       No, we don't.

4                         As you sit here today then,  
5                         just to be clear, you can't account for  
6                         yourself how you get to the figures of  
7                         \$926,000 to \$1.28 million as being  
8                         unaccounted for; can you?

9                         MR. MALONEY: Objection.

10                        That's not what he said.

11                        Mischaracterizes his testimony.

12                        A.       I believe that I can stand by  
13                        my statement. And if required, I can do  
14                        so. I can put it back together again and  
15                        provide a decent rationale for that  
16                        statement, yes.

17                        Q.       Can you --

18                        A.       I don't think I'm in a  
19                        position do that standing here on Zoom,  
20                        no, in this deposition.

21                        Q.       We agree. But maybe perhaps  
22                        you do remember the methodology you used  
23                        to calculate those figures?

24                        A.       The methodology is, again, the  
25                        fungibility of money. I noted when I

1                           VICTOR COMRAS  
2         prepared the report that there were  
3         alternative sources of funds for the same  
4         items from other sources. So I  
5         questioned what happened to which funds.

6                           MR. SALERNO: Can we put up,  
7         it's Mr. Kadi's deposition, which  
8         is Exhibit 982. And then can we  
9         turn, please, to page 226.

10                          And I need to get the exhibit  
11         myself.

12                          Q.        I am directing your attention  
13         to lines 10 through 12. Where Mr. Kadi  
14         said, it was okay that Julaidan will make  
15         certain profit for his work and  
16         supervision and contacting the companies.

17                          Do you recall seeing that at  
18         the time you wrote your report?

19                          A.        Yes, I do.

20                          Q.        And I take it you don't think  
21         it was relevant to put into your report  
22         anything about Mr. Kadi's explanation for  
23         a possible shortfall in these funds  
24         relating to el-Eman?

25                          A.        I did not give much

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2                         commercial activity.

3                         Q.      Well, the sentence says, "the  
4                         Albanian government then closed the  
5                         activities of these companies."

6                         So I'm assuming it's every  
7                         company on the list; correct?

8                         A.      I don't know that answer. We  
9                         could assume that.

10                        MR. MALONEY: I'm sorry, what  
11                        --

12                        MR. SALERNO: I want to  
13                        establish what companies that  
14                        Mr. Kadi was involved with that  
15                        your witness, Mr. Comras, thinks  
16                        are fictitious. Okay, he cited  
17                        this. I don't know were it's some  
18                        or all, and if it's some, which  
19                        ones.

20                        A.      Okay, well, let's take a stab  
21                        and say, many, Campbell, Medicare,  
22                        Loxhall. I know Karavan had many  
23                        different activities, but there were many  
24                        Karavans. Some of them had more  
25                        substance than others.

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2 I'm not aware that each --  
3 when I look at the list of companies,  
4 including companies that I've never even  
5 heard of before, there must be at least  
6 50 or 60 companies that are supposedly  
7 created at some point by Mr. Kadi. How  
8 he keeps track of all of them without  
9 accounting information, I have no idea.

10 Q. Where do you get the number 50  
11 or 60 companies, please?

12 A. I'm taking an impressionist  
13 perspective on that number. But if we  
14 add add  
had the companies in the Far East, we had  
15 the companies that he's registered in  
16 Albania, the companies that he's  
17 registered in Turkey, the companies that  
18 he's registered in the Isle of Man and  
19 Jersey, the companies that he registered  
20 in Pakistan and Saudi Arabia. If you  
21 start counting them up, you get to a  
22 considerable number. I lost count.

23 Q. Okay. Getting back to, you  
24 pulled out the names of some of these  
25 companies and said those are the ones

1                   VICTOR COMRAS  
2       available to me or to others or in any  
3       litigation that shows that they were  
4       anything but.

5               Q.     So you say the burden is on  
6       somebody to establish or us to establish  
7       that they are not shell companies.  Is  
8       that correct?

9               A.     No, I'm saying if somebody  
10      wants to challenge my opinion, it's their  
11      burden to show that my opinion is  
12      incorrect.  I've stated my position and I  
13      stand on my position and on the  
14      information that I have provided.  I  
15      believe it's sufficient information to  
16      make that judgment.  And I believe my  
17      background provides an opportunity for me  
18      to do so, a basis for me to do so.

19               If somebody wants to challenge  
20      that I'm incorrect, they should show me  
21      why I'm incorrect.  They should not say  
22      to me that I have to further evidence my  
23      opinion.  My opinion is based upon my  
24      expertise.  It's based upon other  
25      factors.  It's based upon looking at

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1                   VICTOR COMRAS  
2                   transactions and seeing the number of  
3                   companies. That's the only tool in my  
4                   trade.

5                   I'm not in a position go out  
6                   and delve specifically document by  
7                   document, prove company by company, to do  
8                   so. I believe I have sufficient  
9                   information to discuss that opinion, to  
10                  provide that opinion in an expert report.  
11                  If somebody wants to challenge that  
12                  position, I invite them to do so.

13                  Q.       What was your methodology in  
14                  determining these were shell companies?

15                  A.       My methodology is well  
16                  expressed at the beginning of my report.

17                  MR. MALONEY: And at the  
18                  beginning of this deposition as  
19                  well.

20                  Q.       Do you have anything to add to  
21                  what you've said in your report and at  
22                  this deposition on that topic?

23                  A.       I do not at this time, no.

24                  Q.       Why was this article by Eduart  
25                  Bala that is now -- it shouldn't be tab